

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK,

Plaintiff,

v.

**CIVIL ACTION NO. 1:17CV52
(Judge Keeley)**

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M. GASKINS,
and STATE TROOPER CHRIS BERRY,**

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO ENLARGE
TIME TO FILE NOTICE OF APPEAL [DKT. NO. 186]**

On September 2, 2020, the Court issued its Final Memorandum Opinion and Order Regarding Attorneys' fee award ordering the plaintiff, Scott T. Ballock ("Ballock"), to pay \$237,758.50 in reasonable attorneys' fees to defendants West Virginia State Troopers Michael Kief, Ronnie Gaskins, and Chris Berry (collectively, "the State Troopers") (Dkt. No. 184). On October 2, 2020, Ballock filed an unopposed Motion to Enlarge Time to File Notice of Appeal requesting the Court grant him an additional thirty (30) days to file his notice of appeal with the district clerk pursuant to Federal Rule of Appellate Procedure 4(a)(5)(A) (Dkt. No. 186). In support of his motion, Ballock states that this extension of time would allow the on-going settlement negotiations time to mature thereby eliminating the need for an appeal. Id.

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Under Federal Rule of Appellate Procedure, the district court may extend the time for a party to file a notice of appeal with the district court if the party moves for such an extension within 30 days after the entry of the judgment or order appealed from and the party shows excusable neglect or good cause. Fed. R. App. Pro. 4. Finding that Ballock's motion is timely and that good cause exists, the Court **GRANTS** Ballock's motion (Dkt. No. 186) and **EXTENDS** his time to file a notice of appeal with the district clerk for thirty (30) days.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record.

DATED: October 2, 2020

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE